

IN THE MATTER OF APPLICATIONS 25719,)
AND 25770 FILED BY AREA WEST, INC.)
FOR WATERS OF AN UNDERGROUND SOURCE)
LOCATED IN ELKO COUNTY, NEVADA.)

R U L I N G

GENERAL:

Application 25719 was filed by Area West Incorporated on July 20, 1970, to appropriate 3.0 c.f.s. of water from an underground source for quasi-municipal and domestic purposes. The point of diversion is described as being located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, T.33N., R.57E., M.D.B.&M., and the place of use within the S $\frac{1}{2}$ Sec. 8; portions of the W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 9; N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 16 and all of Sec. 17, T.33N., R.57E., M.D.B.&M. The period of use is from January 1st to December 31st of each year. The application proposes to serve 400 to 500 residential lots.

Application 25770 was filed by Area West Incorporated on August 19, 1970, to appropriate 3.0 c.f.s. of water from an underground source for recreation and domestic purposes. The point of diversion is described as being in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, T.33N., R.57E., M.D.B.&M., and the place of use within the SE $\frac{1}{4}$ Sec. 8; portions of the W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 9; W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 16; and N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17, T.33N., R.57E., M.D.B.&M. The period of use is from January 1st to December 31st of each year.

The application proposes to irrigate a golf course and provide water for maintaining water levels in two reservoirs to be constructed.

Applications 25719 and 25770 were protested on November 5, 1970, by Edward J. Harsh and Ethyln Harsh and on November 23, 1970, by Fred Lichens.

The grounds of the protests filed by Edward J. and Ethyln Harsh were identical and as follows:

- "1. The vaporization would use up their water rights (lost to lower users).
2. No restriction or impediment of natural flow of stream or channel.
3. No disturbance of the natural setting or area of the spring outlets.
4. There is no additional water available under any circumstances under the Humboldt Decree, let alone three (3) second feet as applied for.
5. Definitely no construction or disturbance in or near the springs or creek channel."

The grounds of the protests filed by Fred Lichens were identical and as follows:

"I protest the location of any well site within one-quarter mile of the stream channel. There is no way of knowing the direction of the underground stream flow and if it were tapped, the normal surface stream flow would be drastically reduced. I strongly feel that before any decision or any changes are made that a new stream flow measurement should be made during the irrigating season, to determine the actual flow of the springs before any wells are drilled or any changes made."

RULING

A field investigation in the above matter was made on February 16, 1971. The field investigation disclosed that the proposed location of the well under Applications 25719 and 25770 is approximately 400 feet from the Spring Creek channel. This will necessitate inspection of the well log by the State Engineer's Office before any perforations are made in the casing. The use under Application 25719 will be limited to quasi-municipal and domestic, supplying water to not more than 500 residential lots. The use under Application 25770 will be limited to recreation and domestic. The use as described under Application 25770 will be irrigation of a golf course and maintaining water levels in two reservoirs to be constructed. It will be required that a cultural map be submitted in support of the Proof of Beneficial Use under this application.

It will also be required that a measuring device be installed on the well immediately upon completion of the well, and that accurate measurements of water pumped be kept and submitted to the State Engineer's Office on a yearly basis.

The protests to the granting of permits under Applications 25719 and 25770 are herewith overruled and permits will be granted upon receipt of the statutory permit fees subject to existing rights and subject to conditions as set forth in this ruling.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:PGM:jw

Dated this 6th day of
April, 1971.